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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,784	11/15/2000	Ali Najib Saleh	CIS0009P3US	5218

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EXAMINER	
NGUYEN, HANH N	
ART UNIT	**PAPER NUMBER**
2668	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/714,784	SALEH ET AL.	
	Examiner	Art Unit	
	Hanh Nguyen	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,10-43 and 70-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7,10-15,18-27,29-43 and 70-82* is/are rejected.

7)☒ Claim(s) *16,17 and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

HANH NGUYEN
PRIMARY EXAMINER

H Nguyen

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/3/01; 2/5/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not include the notary's signature, or the notary's signature is in the wrong place.

The Declaration filed on 8/20/01 is defective because there is not a signature of an inventor named Ali Najib Saleb.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 18, 31 and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 18, 31 and 70, it is not clear what is meant by a generic section containing information applicable to each of said plurality of said resource types and a resource specific section containing information applicable to said one resource type.

Claims 3-7, 10-17, 19-30, 32-43 and 71-82 are rejected because they depend on claims 1, 18, 31 and 70 respectively.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-14, 17-26, 29-43, 70, 71 and 73-82 are rejected under 35 USC 102(b) as being anticipated by Glider et al. (pat. 5,361,347).

In claims 1, 4, 5, 18, 19, 20, 24, 26, 31, 34, 70 and 73, Glider et al. discloses a resource manager (fig.1A discloses processor 150, col.4, lines 7-10 & col.8, lines 25-30), a resource control block (resource control block 200, shown in fig.2, is included in memory 118, fig.1, see col.4, lines 14-20), wherein the resource control block corresponds to a system resource and maintains information such as available state of the resource (available state 203, fig.2 for claim 4) regarding the resource (the resource control block 200 contains information regarding a resource, see col.4, lines 8-17. The resource manager is configured to assign an identifier to the resource control block (see fig.2, each resource control block 200 has a name ID 201, col.4, lines 15-30). Glider further discloses the resource is of one resource type of a plurality of resource types (a resource can be either COMPOUND or SIMPLE resource, see col.7, lines 1-12 and 20-22); the resource control block comprises a generic section (field 207, fig.2) containing information applicable to each of resource types (field 207, fig.2 indicates whether the resource is compound or simple, col.7, lines 1-12) and a resource-specific section containing information applicable to the one resource type (OR relationship beween a compound resource and its associated child resources implies a user can use the compound resource, see col.7, lines 20-25).

In claims 3, 23, 32 and 71, Glider et al. discloses the resources 122A are node elements connected to each other (resource is a hardware element). See Abstract & col.4, lines 8-13.

In claim 10, as explained in the rejection of claim 1, Glider et al. discloses a plurality of resource managers (processors 150 in each of resources 122A-122C, fig.1a). See col.4, lines 7-10 & col.8, lines 25-30

In claims 6, 7, 11, 21, 22, 25, 33, 41, 43, 80 and 82, Glider et al. discloses, in Fig.2, the resource control block 200 comprises a resource type (see col.7, lines 1-10), unique name of resource 201 (resource ID), state of resource 203 (status of resource). See col.4, lines 20-25. The unique name of resource 201 represents an index in a table of pointers indicating resource location in hierarchy (resource identifier serves as an index in table of pointers pointing to one of resource control block). See col.6, lines 65-70. The resources are arranged in levels, for example from parent resource to peer resource and child resource (resources arranged inhierarchy levels). See col.6, lines 58-70.

In claims 12 and 13, Glider et al. discloses the resource manager is a node and the resource control block is a node (see col.6, lines 57-65).

In claim 14, Glider et al. discloses each of processors 150 is separate controller (self resource manager) and each resource control block is included in a memory 118 (fig.1A) (self resource control block). See col.4, lines 14-20.

In claim 29, the limitations of this claim has been addressed in claim 1.

In claim 30, Glider et al. discloses, in Fig.7, the processor 150 (fig.1A) (resource manager) comprises system resource X 710 (maintain network resource). See col.8, lines 50-55.

In claims 35 and 74, Glider et al. discloses, in Fig.1B, each processor 116/150 is associated with a resource control block 200 in local memory 118/152 (creating a processor resource control block corresponding to said processor). See col.4, lines 10-20.

In claims 36, 37, 40, 75, 76 and 79, Glider et al. discloses the resource is initilized / power up(initialization / power up of resource), performed self diagnostic (perform a self test) to determine availability state (provide status information). See col.6, lines 45-50. The resource receive a request from an external computer (receiving command / alive message from processor), allocates the resource (execute the command). See col.10, lines 5-12.

In claims 42 and 81, the limitations of these claims have been addressed in claim 1.

In claims 38 and 77, Glider et al. discloses maintaining the resource control block in response to a receipt of a reply from the resource, where the reply is generated in response to a protocol message sent by the processor (the subsystem od DSC 106 returns a response to an external computer 122A in response to a request for resource, see col.10, lines 5-15).

In claims 39 and 78, Glider et al. discloses the computer system operates in both operting system and fault management method (a protocol is employed with the resource). See col.3, lines 23-30.

Allowable Subject Matter

Claims 16, 17, 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In claim 16, the prior art does not disclose each one of third resource manager is a line card resource manager; and each one of third resource control block is a line card resource control block.

In claim 28, the prior art does not disclose each resource processor of said first plurality of resources configured to run a corresponding one of said first plurality of resource managers; and said each resource processor of said first plurality of resources is configured to maintain a one of said second plurality of resource control blocks corresponding to said at least one of said second plurality of resources in response to communications with said at least one of said second plurality of resources.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klein et al. (US Pat. 6,266,698 B1);

Kemner (US Pat. 5,961,560);

Kemner (US Pat. 5,906,646).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8AM to 4:30PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan , can be reached on 571 272 3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

January 04, 2006

HANH NGUYEN
PRIMARY EXAMINER